

KAREN P. HEWITT
 United States Attorney
 DAVID M. McNEES
 Special Assistant U.S. Attorney
 California State Bar No. 216612
 Federal Office Building
 880 Front Street, Room 6293
 San Diego, California 92101-8893
 Telephone: (619) 557-5979
 E-mail: david.mcnees@usdoj.gov

Attorneys for Plaintiff
 United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Civil No. 08cv0074-IEG(NLS)
)	
Plaintiff,)	JOINT REPORT PURSUANT TO
)	FED. R. CIV. P. RULE 26(f)
v.)	
)	
\$23,120.00 IN U.S. CURRENCY,)	
)	
ONE 2007 CHEVROLET AVALANCHE)	
TRUCK, CA LICENSE NO. 8E38789,)	
VIN 3GNEC12J17G138443, ITS TOOLS)	
AND APPURTENANCES,)	
)	
ONE 2003 AUDI QUATTRO SEDAN,)	
CA LICENSE NO. 5LKB440,)	
VIN WAULC68E73A197008, ITS TOOLS)	
AND APPURTENANCES,)	
)	
\$1,200.00 IN U.S. CURRENCY,)	
)	
Defendants.)	

Pursuant to Rule 26(f), Federal Rules of Civil Procedure, Counsel for the parties jointly submit the following report.

DISCOVERY PLAN

1. By order of the Court, the initial disclosure required by Rule 26(a) shall be provided by May 12, 2008. By order of the Court, identity of experts and their expected testimony shall be disclosed by August 13, 2008. Exchange of rebuttal experts shall be completed by August 27, 2008.

//

2. Discovery will be needed on the subject of the sources and ownership of the seized currency, and the sufficiency of grounds for the forfeiture. Depositions of necessary parties by claimants will be required to ascertain information regarding the search of and seizure from the residence. The parties expect that this portion of discovery will be concluded by July 31, 2008.

3. No changes in discovery rules are contemplated, except as noted above.

4. No orders are contemplated pursuant to Rule 26(f)(4).

CLAIMS AND DEFENSES

Claimants Eliseo Jimenez and Melissa Archambault claim a legal interest in the Defendant currency and property as owners. The defense to the forfeiture Claimant will pursue is that the government lacked probable cause for the seizure of the Defendant currency and property, is unable to meet its burden of proof, and that the search/searches which led to the seizure of the defendant currency were unlawful.

NEGOTIATIONS REGARDING SETTLEMENT

Counsel for the parties have met and conferred regarding the potential for settlement of the case. There has been very little discussions regarding settlement and the two sides are far apart, but the parties agree that discovery will be necessary.

DATED: April 28, 2008

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

s/ David M. McNees

DAVID M. McNEES
Special Assistant U.S. Attorney

DATED: April 28, 2008

s/ Richard M. Barnett

RICHARD M. BARNETT
Attorney for Claimant